

Institutional Handbook of Operating Procedures
Policy 07.01.01

Section: Student Policies	Responsible Vice President: Executive Vice President and Provost
Subject: Students	Responsible Entity: Institutional ADA Coordinator

I. Title

Students with Disabilities

II. Policy

- A. The University of Texas Medical Branch (UTMB or University), in compliance with applicable federal laws and regulations, strives to maintain an environment free from discrimination against individuals on the basis of race, color, national origin, sex, age, religion, disability, sexual orientation, gender identity, genetic information, or veteran status. It is the policy of the University to fully comply with Section 504 of the [Rehabilitation Act of 1973](#) and the [Americans with Disabilities Act](#), as amended (ADAAA).
- B. The University will make a [reasonable accommodation](#) for a qualified student with a disability.
- C. Applicants with disabilities will be evaluated on a case-by-case basis in accordance with the Essential Functions in effect for the specific program in the school to which the applicant is seeking placement. All students must possess not only the academic abilities, but also the physical, cognitive and emotional capabilities required to undertake the full curriculum and achieve the levels of competence required by the faculty of the programs in question. Students who pose a direct threat to themselves or others are excluded from this policy.
- D. Although some disabilities (e.g., spinal cord injury or blindness) are readily observable, other disabilities are not as obvious. In the case of disabilities that are not as obvious, a qualified professional must perform a specialized assessment to identify the disability.

Note: Although it is impossible to list all disabilities, the same non-discriminatory policies of access and accommodations apply. The following, however, are not considered disabilities under the ADA: homosexuality, bisexuality, transvestitism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairment, or from other sexual disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance use disorders resulting from current illegal use of drugs. Normal pregnancy and handedness are also excluded as disabilities under the ADA.

III. Recruitment Materials

- A. Recruitment materials for all schools will state UTMB’s commitment to equal opportunity for individuals with disabilities, as well as to students regardless of race, color, national origin, sex, age, religion, gender identity, sexual orientation, genetic information, or veteran status. The recruitment materials will also state that the academic program has Essential Functions that describe specific skills and outcomes that a student must be capable of performing to be successful in the program

with or without reasonable accommodations. The Essential Functions of each program will be available to applicants on request and online:

[Essential Functions, School of Nursing](#)
[Essential Functions, School of Health Professions](#)
[Clinical Laboratory Sciences](#)
[Nutrition & Metabolism](#)
[Occupational Therapy](#)
[Physician Assistant Studies](#)
[Physical Therapy](#)
[Respiratory Care](#)
[Essential Functions, School of Medicine](#)
[Essential Functions, Graduate School of Biomedical Science](#)

- B. Recruitment materials also indicate that an applicant with a documented disability can request reasonable accommodations, if needed, during the admissions process by seeking assistance from the Institutional Americans with Disability Act Officer (IADAO). Recruitment materials reflect that all medical and psychiatric information provided by the student pursuing an accommodation is confidential. The name, address and telephone number of the IADAO is listed on all recruitment material.
- C. All application forms, invitations and other correspondence with applicants will include a statement of equal opportunity for students with disabilities. Letters of invitation to interviews will invite students to request any needed accommodations for the interview process.
- D. Academic programs will indicate the following in admission documents:

“UTMB is committed to equal opportunity for students with disabilities. If you have a documented disability or would like to obtain information regarding services for students with disabilities at UTMB, please contact the [Institutional ADA Officer](#). This information will be confidential; only those individuals responsible for assuring reasonable accommodations will be given this information.”

IV. Student Handbook and Bulletins

- A. The school handbooks and bulletins of each UTMB School will contain the following statement:

“UTMB is committed to equal opportunity for students with disabilities. Each academic program has Essential Functions that describe specific skills and outcomes that a student must be capable of performing to be successful in the program with or without reasonable accommodations. The Essential Functions of each program is available upon request. If you have a documented disability or would like to obtain information regarding services for students with disabilities at UTMB, please contact the [Institutional ADA Officer](#). This information will be confidential; only those individuals responsible for assuring reasonable accommodations will be given this information.”

- B. In addition, school handbooks will contain:
 1. A precise description of the admission requirements and the ethical standards of the school;
 2. A precise description of the academic performance standards, which define good standing in the academic program;
 3. Policies that govern academic progress and graduation;

4. The conditions for remediation and counseling;
5. A description of the maximum amount of time that can be taken for completion of the academic program and the awarding of the appropriate degree.

V. Essential Functions

A. Students must be able to perform the following Essential Functions, with or without accommodations.

1. *Observation (to include the various sensory modalities)*: Students must be able to accurately observe close at hand and at a distance to learn skills and to gather data (e.g., observe an instructor's movements, a patient's gait or verbal response, a chemical reaction, a microscopic image, etc.). Students must possess functional use of the senses that permit such observation.
2. *Communication*: Students must be able to communicate effectively and efficiently. Students must be able to process and comprehend written material.
3. *Psychomotor Skills*: Students must have sufficient motor capacities and mobility to execute the various tasks and physical maneuvers that are required within each program. Students must be able to display motor functioning sufficient to fulfill the professional roles toward which each program educates.
4. *Intellectual and Cognitive Abilities*: Students must be able to measure, calculate, reason, analyze, synthesize, integrate, remember and apply information. Creative problem solving and clinical reasoning require all of these intellectual abilities.
5. *Professional and Social Attributes*: Students must exercise good judgment and promptly complete all responsibilities required of each program. They must develop mature, sensitive, and effective professional relationships with others. They must be able to tolerate taxing workloads and function effectively under stress. They must be able to adapt to changing environments, display flexibility, and function in the face of uncertainties and ambiguities. Concern for others, interpersonal competence and motivation are requisite for all programs
6. *Ethical Standards*: A student must demonstrate professional attitudes and behaviors and must perform in an ethical manner in dealings with others. All programs require personal integrity and the adherence to standards that reflect the values and functions of the profession. Many programs also require adherence to a code of ethics.

B. Each program may further elaborate on these general descriptions so that they are congruent with the professional roles toward which each program educates. The Faculty of the Schools of Health Professions, Medicine, Nursing and Graduate School of Biomedical Science has developed Essential Functions Documents (EFDs). An EFD includes the minimum physical, cognitive, and behavioral standards expected of all students accepted in that academic program at UTMB. The Essential Functions are described as expected outcomes rather than in terms of the processes used to achieve the standard. The EFDs of each school will be reviewed and updated annually. Students must be able to perform, with or without a reasonable accommodation, both sets of essential functions.

VI. Procedures for Admission: Documentation and Progress

A. Academic programs will include a procedure for use during the admission process whereby accepted applicants are asked whether they can meet the Essential Functions of the academic program with or

without reasonable accommodations. Students receive information in the letter of acceptance as well as during orientation. Each accepted applicant signs a form indicating they have received this information. During orientation, accepted applicants have the burden of proof to demonstrate that they can meet the Essential Functions of the academic program.

- B. Accepted applicants who indicate that they can meet the Essential Functions of the academic program, but need reasonable accommodations to do so will be referred to the IADAO. The IADAO will contact the applicant to request documentation of the disability.

VII. Accommodations

- A. Students needing information about the physical accessibility of the facilities on campus should contact the IADAO.

- B. Educational or programmatic accommodations are individually determined to fit the specific needs of a student with a disability. The IADAO will confer with administrators from the school in which the student is enrolled to ensure that the student has requested accommodation is reasonable; that is, it does not alter the fundamental nature of the program and that it can be provided without undue hardship to the institution. If the IADAO and school administrator cannot reach an agreement, the Vice President of Legal Affairs, Associate Vice President of Human Resources and Employee Relations and the Chair of the Academic Executive Committee or their representative will cooperatively make the final determination about the accommodation.

- C. Some general categories of accommodations and a rationale for each are presented below:

- 1. Accommodations that allow equal access to information presented in lecture format.

Rationale: A student with a disability should have equal access to information that an instructor provides. A student needs to be able to obtain this information through some modality that circumvents the limitation created by his/her disability.

- 2. Accommodations that allow equal access to reference materials required for class.

Rationale: A student with a disability should have equal access to books, periodicals, and other study materials that an instructor requires or assigns. A student needs to access this information through some modality that circumvents the limitation created by his/her disability.

- 3. Accommodations that allow equal opportunity to demonstrate what has been learned.

Rationale: A student with a disability should have equal opportunity to demonstrate that he/she has learned the instructional material, whether that material relates to classroom, laboratory, or clinical learning. If a disability limits the manner in which the student can communicate his/her knowledge, adjustments to the usual format should be made or other mechanisms, which facilitate this communication, should be made available.

VIII. Student Responsibilities

A. Accepted Students

An applicant who has been accepted into a program within one of UTMB's schools and plans to matriculate will:

1. Read the Essential Functions Document of the program in question. These will be included in the acceptance letter from the Admissions Director (or designated administrative official) of each program. The student will sign and date the document that verifies his or her capacity to complete the essential functions, either with or without reasonable accommodations.
2. Return the signed and dated document related to Essential Functions to the student affairs officer along with the response to the program's acceptance letter. The signed and dated document will be placed in the student's file. If a student indicates a need for an accommodation, the Director of Admissions will forward information to that student about the institutional policy on students with disabilities and about the need to contact the IADAO (if student has not already done so).
3. Requests for accommodations will be processed in accordance with the process set out in IV. of this section.

B. Enrolled Students

Students who are enrolled in an educational program at UTMB who discover the presence of a disability are eligible for reasonable accommodations and are accountable for complying with the provisions of this policy. Students who become aware of the presence of a disability and intend to request an accommodation should contact the IADAO.

IX. Process for Requesting an Accommodation

- A. Current students and accepted applicants who wish to request an accommodation should contact the IADAO to initiate the disability accommodation process. Through an interactive process, the IADAO will coordinate with the necessary institutional staff to identify the essential functions of the program of study and determine whether there is an effective, reasonable accommodation that will enable the student or applicant to perform those essential functions.
- B. The IADAO will inform the student of the documentation and other requirements needed to substantiate the presence of a qualified disability. The documentation from the student and his or her professional diagnostician or medical provider must specify the claimed disability, the identity of the professional individual who determined the disability status, how the status was determined, and recommend reasonable and specific ways to accommodate the student's disability within the context of the academic program. The IADAO will evaluate the information to determine eligibility within the guidelines of the ADA.
- C. In order for accommodations to be coordinated, requests should be made far enough in advance to allow the IADAO time to coordinate accommodations with the academic program. Generally, it is best to make requests prior to the beginning of the semester; however, if this is not possible students should make the request as soon as possible after discovery of the disability or need for an accommodation. Students are responsible for all costs associated with verifying their disability, i.e., if an assessment is deemed necessary. The only exceptions to this obligation are those circumstances where UTMB requires a second professional opinion regarding the claimed disability; in those circumstances, UTMB will pay for the second assessment. If a third assessment is needed, any costs associated will be divided equally between the student and UTMB.
- D. The IADAO will consult with representatives of the academic programs and other individuals as needed when evaluating whether an accommodation can be granted without undue hardship or financial strain on an academic or education program, the school or the institution as a whole.

- E. Once an accommodation has been granted, the student or applicant must:
Inform the course (academic or clinical) instructor/director, if needed, (through the IADAO) of the authorization or approval for an accommodation at the start of a course/clinical experience, or as soon as possible after an accommodation has been granted, so that the course instructor/director can coordinate the specified accommodation(s).

X. Faculty Responsibilities

- A. Faculty members are responsible for implementing approved accommodations as described in the official letter sent by the IADAO to the student, program director, and faculty advisor. Such accommodations may include the provision of auxiliary aids, extra time for completion of tests, and other services. No class review session or event should be scheduled in any location that limits appropriate physical and programmatic access. The IADAO can assist faculty with questions about accommodations.
- B. Approved accommodations are not advantages but instead are a means of making sure every student has full access to educational programs. Faculty should refer all student questions about this policy or requests for accommodations to the IADAO.
- C. Each course director or instructor, whether based in an academic or clinical setting, will:
 - 1. Review the policy each year pertaining to students with disabilities.
 - 2. Discuss implementation of approved accommodations with the student. (The student will have already been informed of the implementation of the accommodation recommended and approved by the IADAO.) This should be done on the first day of class.
 - 3. Discuss with the IADAO any concerns/questions related to the student's ability or to the approved accommodations.

XI. Institutional ADA Officer (IADAO) Responsibilities

The Associate Vice President of Employee Relations will appoint an individual to serve as Institutional ADA Officer (IADAO) for UTMB. This individual will report to the Associate Vice President of Human Resources and Employee Relations. This individual will:

- A. Monitor all student accommodation activity for employees, faculty, students, and patients;
- B. Process requests for accommodations, in compliance with the ADA, while ensuring that the accommodations can be made without undue hardship or financial strain upon the academic/educational programs, the school, or the institution as a whole;
- C. Communicate changes in law or institutional policy relating to recommended accommodations for students with disabilities to the schools with Disabilities (CSSD) within five (5) working days of their receipt;
- D. Review this policy annually to ensure that it complies with law and institutional policies; and
- E. Issue an annual report on accommodations.

XII. Coordinator of Services for Students with Disabilities (CSSD) Responsibilities

The Associate Vice President for Student Services of UTMB or his/her designee will serve as the CSSD. The responsibilities of this individual will be to:

- 1. Work with the IADAO and school administrators on requests for accommodations;
- 2. Annually review the performance of each school at UTMB jointly with the IADAO;

3. Bring all issues related to students with disabilities to the attention of the Associate Vice President for Student Services (if not serving as the CSSD), the dean of the respective school, and the Associate Vice President of Human Resources and Employee Relations to provide information related to the process and policy;
4. Consult with the Department of Legal Affairs Office and the Associate Vice President of Human Resources and Employee Relations relative to issues of policy and law;
5. Work with the IADAO to provide education about the requirements of the ADA to faculty, staff, students, and administration; and
6. Notify the Schools on an annual basis regarding yearly ADA training issues.

XIII. Maintenance and Confidentiality of Records

- A. Documentation in the student's official accommodation file in the Institutional ADA Office will include, but is not limited to:
 1. Letters from the student specifying the disability and requesting accommodation(s) due to the disability;
 2. The student's evaluation for a disability from a qualified professional diagnostician/or medical provider;
 3. A written response from the university to the request for accommodation; and
 4. A record of the accommodation(s) made for the student.
- B. Records maintained by the IADAO qualify as education records under FERPA and will be maintained accordingly.

XIV. Review of Denied Accommodation

- A. Students who are denied an accommodation may request review of the decision by contacting the Associate Vice President of Student Services.
- B. At the request of the Associate Vice President, the IADAO will provide all documentation provided by the student in support of the request for an accommodation.
- C. The Associate Vice President may determine, based on the information provided by the student to the IADAO, that:
 1. The denial was proper; or
 2. The denial was improper and the accommodation should be provided.
 3. The determination will have to be approved by the Provost.
- D. The determination made by the Associate Vice President is final, except in those cases governed by Section XV of this policy.

XV. Complaints

Informal Resolution

1. Students who have complaints regarding implementation of accommodations may contact the IADAO to discuss informal options for resolution. The student should notify the IADAO in writing within 24 hours of any problem or concern relating to the implementation of any approved accommodation(s) based on a disability. This period allows the IADAO to investigate and respond where appropriate.
2. After the student consults with the IADAO, the IADAO will discuss the issue with the faculty or staff member involved and attempt to resolve the issue. If the student, IADAO, and faculty or staff member are unable to resolve the conflict, the student has the option to file a written

complaint with the Department of Internal Investigations in accordance with the procedure set out below.

XVI. Formal Complaint Process

- A.** A student who feels that the process outlined in this policy has not been followed or that they have been discriminated against based on a disability may file a complaint with the Department of Internal Investigations. In general, complaints of discrimination may be based on one or more of the following:
1. Denial of reasonable and appropriate accommodations in the classroom environment;
 2. Discrimination within the academic environment on the basis of disability;
 3. Inaccessibility of a UTMB program or activity;
 4. Retaliation due to an academic accommodation; and
 5. Any other alleged violations of the ADA or Section 504.
- a) In order to initiate the formal complaint process, the student should file a written complaint with the IADAO or the Department of Internal Investigations. Alternative means of filing a grievance, such as personal interviews or a tape recording of the complaint, will be made available upon request. The written complaint should include: Detailed and specific occurrences and dates and locations of said complaint with any additional information to be included, such as e-mails, or graded items;
 - b) The student will also state what steps he/she has taken to resolve the situation prior to this appeal letter; and
 - c) In addition, the student will state how he/she would like the conflict to be resolved.
- B.** If the complaint is received by the IADAO, the IADAO will notify the Department of Internal Investigations of the allegation. The IADAO will also provide the written complaint, and any documentation related to the allegation (student's request for accommodation, outcome of informal resolution attempts, etc.) to the Department of Internal Investigation.
- C.** Once the student's written complaint is received by the Department of Internal Investigations, the Department of Internal Investigations will investigate the claim pursuant to internal investigations procedures. The Department of Internal Investigations may contact the student for further information, as needed. When deemed necessary, the Department of Internal Investigations may consult with UTMB's Department of Legal Affairs personnel for further guidance and support.
- D.** Once the Department of Internal Investigations reaches a decision, the student will receive a written response with a summary of the findings and any recommendations. A written letter of findings and any recommendations will also be provided to the IADAO and the Student Affairs Officer from the school in which the student is enrolled.

XVII. Definitions

Coordinator of Services for Students with Disabilities (CSSD): The Vice President for University Services of UTMB or his/her designee will serve as the CSSD.

Disability: Defined by the Americans with Disabilities Act of 1990, as amended (ADA), an individual has a disability if she/he:

1. has a physical or mental impairment that substantially limits one or more major life activities;
2. has a record of such impairment or
3. Is regarded as having such impairment.

Note: To qualify as a disability under the ADA, the impairment must be permanent or of extended duration.

Essential Functions: Basic activities (cognitive, psychomotor, and affective) that a student must be able to complete within each professional program of the various schools. A description of more specific essential functions for each of the programs within the schools may be obtained through the Admissions Director of each program.

Institutional ADA Officer (IADAO): The IADAO is appointed by the Associate Vice-President of Human Resources and Employee Relations and coordinates the ADA Panel for the UTMB Enterprise.

Learning Disability: (as defined by the Rehabilitation Services Administration) "A disorder in one or more of the central nervous system processes involved in perceiving, understanding, and/or using concepts through verbal (spoken) or written language or nonverbal means" (RSA PFD-85-7, 1985, p.2). Learning disabilities are commonly manifested as difficulties with reading, spelling, and expressing ideas in writing, or solving mathematical problems.

Major Life Activity: Defined by the ADA, major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. A major life activity also includes the operation of a major bodily function, including but not limited to functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

Professional Diagnosticians: An individual who possesses the knowledge, skills and professional credentials to assess and diagnose a specific disability and recommend reasonable accommodations based on a specific disability.

Reasonable Accommodation: Any adjustment or modification that allows the qualified individual with a disability equal access to participation as a student in the various programs of the schools at the UTMB. Any reasonable accommodation should not cause undue hardship, financial or otherwise, to the academic/educational programs, schools, or the institution as a whole. Reasonable accommodations may include: making existing facilities readily accessible to and useable to individuals with disabilities; acquisitions or modification of equipment or devices, appropriate adjustment or modifications of examinations, training material, or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.

XVIII. Relevant Federal and State Statutes

[Section 504, Rehabilitation Act of 1973](#)

[Americans with Disabilities Act of 1990/ADA Amendments Act of 2008](#)

[Family Educational Rights and Privacy Act of 1974](#)

XIX. Other Relevant Documents

[Essential Functions, School of Nursing](#)

Essential Functions, School of Health Professions

[Clinical Laboratory Sciences](#)

[Occupational Therapy](#)

[Physician Assistant Studies](#)

[Physical Therapy](#)

[Respiratory Care](#)

[Essential Functions, School of Medicine](#)

[Essential Functions, Graduate School of Biomedical Science](#)

I. Dates Approved or Amended

<i>Originated: 10/24/1997</i>	
<i>Reviewed with Changes</i>	<i>Reviewed without Changes</i>
06/16/2014	
10/01/2015	
12/14/2018	

XX. Contact Information

Institutional ADA Officer
 Lee Hage Jamail Student Center, Room 2.118.
 (409) 747-4818